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NO. 1043 P. 2

Attorney's Docket No.: 02103-355001 / AABOSSO6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William A. Allen

Serial No. : 09/312,916

Filed : May 17, 1999

Title : AUDIO SIGNAL PROCESSING

Art Unit : 2743

Examiner : Laura A. Grier

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Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT DATED AUGUST 3, 2004

Dear Commission:

Responsive to the office action dated August 3, 2004, application owner respectfully traverses the requirement for restriction and provisionally elects claims 1-26 and 33-40 in Group I for further prosecution in this application should this requirement be made final.

35 U.S.C. §121 reads, "If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." Thus, restriction is proper only if the inventions are "independent and distinct." M.P.E.P. headed 802.01, "Meaning of 'Independent', 'Distinct' reads as follows:

INDEPENDENT

The term "independent" (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect, for example, (1) species under a genus which species are not usable together as disclosed or (2) process and apparatus incapable of being used in practicing the process.

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